

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)
)
Plaintiff,) 4:06CR3027-1
)
v.)
)
JAIME LAMON ESQUIVEL,) **MEMORANDUM
AND ORDER**
)
Defendant.)

On February 18, 2009, the defendant filed a § 2255 motion (filing [190](#)) that contained no supporting facts. On February 18, 2009, the defendant also represented that he would later send a memorandum “setting forth the grounds for relief” and he asked that this matter be held in abeyance. (Filing [190-2](#).) Having received nothing after more than two weeks had passed, and on March 11, 2009, I directed that the defendant’s memorandum be *filed* immediately and no later than March 26, 2009. (Filing [191](#).) The defendant has not done so.

I now dismiss the defendant’s § 2255 motion with prejudice for failure to comply with my order. Separately, I also dismiss the motion as it is insufficient since it contains only conclusions. *See, e.g., [United States v. Regenos, 405 F.3d 691, 694 \(8th Cir. 2005\)](#)* (A § 2255 motion may be denied without a hearing where, among other things, the allegations cannot be accepted as true because they are conclusions rather than statements of fact).

IT IS ORDERED that the § 2255 motion (filing [190](#)) is dismissed with prejudice. A separate judgment will be issued.

DATED this 27th day of March, 2009.

BY THE COURT:

s/Richard G. Kopf
United States District Judge